

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

MONDAY, THE 12TH MARCH 2007 / 21ST PHALGUNA 1928

WP(C).No. 27656 of 2006(P)

PETITIONERS:

- 1. A.T. ROSAMMA, AGED 50 YEARS,
SENIOR AUDITOR OF CORPORATIVE SOCIETIES,
O/O. THE ASSISTANT REGISTRAR (AUDIT),AMBALAPPUZHA.**
- 2. K.G. LATHI DEVI,
SENIOR AUDITOR OF CORPORATIVE SOCIETIES,
O/O. THE ASSISTANT REGISTRAR (AUDIT), AMBALAPPUZHA**

**BY ADV. SRI.G.D.PANICKER
SMT.JEENA JOSEPH**

RESPONDENTS:

- 1. STATE OF KERALA,
REPRESENTED BY SECRETARY, CO-OPERATION,
KERALA SECRETARIAT, THIRUVANANTHAPURAM.**
- 2. REGISTRAR OF CO-OPERATIVE SOCIETIES,
THIRUVANANTHAPURAM.**

BY GOVERNMENT PLEADER SHRI.P.NANDAKUMAR.

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 12/03/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

WP(C).No.27656 of 2006.

Petitioners' Exhibits:

P1 Copy of the representation dtd.25-5-2005.

P2: Copy of order No.A4/26162/05 dtd.15-7-2005.

P3: Copy of the representation dtd.8-9-2006.

P4: Copy of the judgment in WA.No.1528/2000 dtd.1-11-2002.

Respondents' Exhibits:- Nil

-// true copy //-

P.A. To Judge.

kvs/-

K.K.DENESAN, J.

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WP(C).No.27656 of 2006-P.
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Dated this the 12th day of March, 2007.

J U D G M E N T

The petitioners were appointed as Junior Inspector of Co-operative Societies on provisional basis. The 1st petitioner had worked on provisional basis from 4-3-1982 to 19-12-1983 and the 2nd petitioner from 1-11-1982 to 22-3-1984. Subsequently, the petitioners were appointed regularly in the same post on 15-4-1992 and 3-8-1991 respectively. The petitioners made a claim in terms of Decision No.2 under Rule 33 of Part I K.S.R. to count the provisional service as regular service for the purpose of granting increments. Ext.P2 order states that one of the conditions prescribed in the rule has not been satisfied in the case of the petitioners. That condition which is said to have not been satisfied is the one relating to the pay scale. It says that the pay scale shall be identical. This Court has clearly laid down the law that difference in the pay scales consequent on revision of pay scales

shall not be taken into account as disparity in the pay scale. [See *Hussain v. Kerala Water Authority* (1996(2) KLT 555)].

2. In the above view of the fact situation and the rule position, the petitioners are entitled to succeed. The date of regular appointments, as far as the petitioners are concerned, is prior to 1-10-1994. Hence this writ petition is allowed. The impugned order is set aside. There shall be an order directing the respondents to count the provisional service of the petitioners for the limited purpose of increments. The monetary benefit on account of such computation shall be given to the petitioners within three months from the date of receipt of a copy of this judgment.

K.K.DENESAN, JUDGE.

kvs/-